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August 29, 2018

Magistrate Judge Sanket J. Bulsara
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Cappone v. Morrissey et al, 16 CV 7170 (RRM) (SJB)

Dear Judge Bulsara:

I represent the Plaintiff, Ernesto Cappone. I am writing to inform the Court that following the entry of this Court's order directing the Plaintiff to provide supplemental evidence in support of each of his RICO claims, we informed the Plaintiff on several occasions to provide such supplemental evidence.

Mr. Cappone informs me today that he was unable to conduct a search for supplemental evidence due to his having to relocate two months ago from his residence to a basement apartment in his mother's house, due to flood damage at his residence.

I apologize for not providing an update to the Court and have advised Mr. Cappone of Judge Mauskopf's August 24, 2018 Order Adopting Report and Recommendation: that the Clerk's entry of default as to defendants Morrissey, Liberty Merchant Group; and Merchant Solutions Group was vacated; the motion for default judgment has been denied and that all RICO claims have been dismissed without prejudice, and the Court declined to exercise supplemental jurisdiction over all remaining state law claims.

As to the remaining defendant, Kevin Kim, I filed a Stipulation of Dismissal yesterday and have served Mr. Kim and Mr. Cappone with the So Ordered copy today.

Respectfully submitted,


Peter S. Smith

cc: Ernesto Cappone